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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,583	10/18/2004	Herbert Baltes	47610	5027

1609 7590 03/30/2007
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
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WASHINGTON,, DC 20036

EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/511,583

Applicant(s)

BALTES ET AL.

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments, see the request for reconsideration, filed March 13, 2007, with respect to the rejection(s) of claim(s) 9-18 under Chun and Kuykendal have been fully considered and are persuasive. Therefore, the previous office action is being vacated and since the same art is being used but in a different manner of describing elements of the prior art, a new office action replacing the office action of December 13, 2006 is attached below and such rejection could have been made in the previous office action therefore this office action is being held final as well.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chun. The patent to Chun discloses the recited hydro damper for attenuation of oscillations in fluid pressure systems comprising a damper housing 11 having a longitudinal axis with axial ends, a connecting block 16,20 mounted on an axial end and in fluid communication with the damper housing, a pump connecting piece (not shown) is inherently provided which would match the holes of the part 20 of the connecting block which is designed with holes to accept bolts where such is coupled to the connecting block and mounts the damper housing to an outlet of a hydraulic pump, It is considered that a matching connection piece is inherently provided on the part of the

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system connected to the pump and therefore such would meet the claimed pump connecting piece, where a plurality of holes are provided for connection to an outlet connected to a pump, where selectable rotary positions can be had by aligning the bolt holes and having the housing positioned in any desired angle with respect to the system based upon which bolt holes are used in each piece. The connecting axis is at a right angle to the longitudinal axis, where the attachment is a ring of bolt holes with mounting screws, and the connecting block has an inner chamber formed therein with an outflow opening extending concentrically to the longitudinal axis and connected to an input of the damper housing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun in view of applicants background of the invention in the specification. The patent to Chun discloses a damper housing for a bladder type silencer 14. The patent to Chun discloses all of the recited structure with the exception of forming the silencer as a reflection type, and using a semi annular flange clamping jaw. Applicant's set forth in the background of the invention that hydraulic dampers of the bladder type and reflection type are old and known equivalent types of silencers known in the art, and therefore suggests that this is old and well known in the art to that the reflection type is

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a used equivalent type of silencer where bladder types are used. Such is also suggested by the reference to Kuykendal if further evidence is needed. With respect to the semi annular flange clamping jaw, such is admitted in applicant's specification to be a commonly used connection for pump outputs to connecting blocks for accumulator structures. Therefore if such is an admitted common type of connection, such is considered old and well known in the art to provide the Chun with such a connection as well as such is admitted to be old and well known in the art, where the crux of applicant's invention is directed toward the angular relation and rotation of the housing using holes, and such is covered by Chun above. It would have been obvious to one skilled in the art to substitute any old and known connection for the connection in Chun including a semi annular flange clamping jaw as such is old and well known in the art as admitted by applicant's specification.

Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun in view of Kuykendal. The patent to Chun discloses all of the recited structure with the exception of providing a fluid silencer in the housing which can also act as a hollow connecting piece with an opening therein to allow fluid entry. The reference to Kuykendal discloses that it is old and well known to provide dampeners with a silencing tube which can be provided with holes that allow fluid to enter the inner chamber of the housing where such can be used in systems with bladders, without, and in various configurations. It would have been obvious to one skilled in the art to modify the dampener in Chun by providing a fluid silencer in the form of a tube that penetrates into the chamber of the housing and is provided with holes to allow flow into the

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chamber as suggested by Kuykendal where such is an equivalent structure as shown by the various configurations cited, where such would show improved dampening abilities.

Response to Arguments

Applicant's arguments with respect to claims 9-18 have been considered but are moot in view of the new ground(s) of rejection. As set forth above, the connecting piece is redefined as is the pump connecting piece which changes the rejection and makes the arguments provided in the response of March 13, 2007 moot.

Conclusion

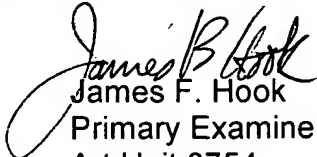
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James F. Hook
Primary Examiner
Art Unit 3754

JFH